

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

MARY HAMEL-SCHWULST,)	
)	
Plaintiff,)	
vs.)	1:07-cv-450-LJM-TAB
)	
JARSIE DAPHNE WEEKS, et al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. Defendant Tucker Mortgage Company's motion for entry of summary judgment or alternative motion for involuntary dismissal for failure to prosecute (dkt 53) is **denied**. The reason for this ruling is that the plaintiff has not failed to acknowledge the pending motions for summary judgment. Tucker Mortgage Company's motion fails to recognize the requests and other information in the plaintiff's filing of February 11, 2008.

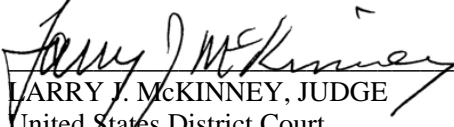
2. With respect to the plaintiff's filing of February 11, 2008, the court makes the following rulings:

- a. Discovery will proceed as to the claim against Jarsie Daphne Weeks.
- b. The plaintiff requests that the court determine her capacity to proceed, or determine who has the capacity to proceed for her. The plaintiff has proceeded without counsel, though it is evident that she has some resources from which counsel could, if sought by her, be compensated. The court further finds that the plaintiff has shown through her participation in this action that she is competent to continue to do so. The plaintiff may, if under some legal disability, apprise the court of that fact, if it impacts on the further development of this case, and appear through counsel. But those matters are speculative at best, and the court wishes to make clear to the parties that, on the basis of the present record and the circumstances alleged or shown to be extant, the plaintiff is proceeding without counsel in this case, as is her right.

- c. The plaintiff's request for additional time in which to respond to the motions for summary judgment is **granted** to the extent that she shall have **through April 10, 2008**, in which to respond to such motions. It is unlikely that this deadline will be extended, for through this new deadline the plaintiff will have been accorded more than 3 times the presumptive 30-day period for a nonmovant to respond to a motion for summary judgment.
 - d. The plaintiff's request for additional time in which to obtain representation is **granted only to the extent consistent with the existing schedule**. The plaintiff is encouraged to seek representation, however, and remains free to do so.
 - e. The plaintiff's filing of February 4, 2008, will in no respect be considered as a substantive response to the pending motions for summary judgment. With respect to such a possible response, the plaintiff is **directed to review** the *notice to pro se plaintiff* filed by defendant Tucker Mortgage Company, on January 2, 2008, and the similar *notice* filed by defendants Simons and F.C. Tucker Company on December 28, 2007.
3. The plaintiff is **notified** that the additional filing of materials in this action will not, in and of itself, cause the deadline established in paragraph 2.c. of this Entry to be suspended or extended in any manner.

IT IS SO ORDERED.

Date: 03/19/2008


LARRY J. McKINNEY, JUDGE
United States District Court
Southern District of Indiana

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